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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/973,128

10/09/2001

John F. Pavley

1104-040

5677

27820

7590

10/02/2006

WITHROW & TERRANOVA, P.L.L.C.

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,128

Applicant(s)

PAVLEY ET AL.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 and 14-18 is/are allowed.
- 6) ☒ Claim(s) 3-6 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 9/8/06
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined.
2. The amendment filed 8/21/06 has been entered. The claims as presented in this amendment do overcome the prior art made of record before the Office Action presented herewith. However, new art and considerations render claims 3-6 still to be rejected. A new, non-final action is herewith presented below:
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norwood (5063600) and Haneda (6483602).
5. Regarding claim 3, Norwood et al show: a method for editing heterogeneous media objects in a hand-held image capture device having a display screen (abstract, Figures 1B, 4, 10, 17, column 17 lines 45-60), the method comprising the steps of

a) displaying a representation of each one of the media objects on the display screen, each one of the media objects having one or more media types associated therewith (Figures 7, 10, 17, column 16 lines 20-58, column 17 lines 20-35 and 45-65);

b) enabling a user to randomly select a particular media object to edit (column 18 lines 15-35)

c) in response to a user pressing a key to edit the selected media object, invoking one or more specialized edit screens for editing the media types associated with the selected media object (Figures 15-17, column 17 lines 35-55; note only one screen need be shown to fulfil the claim as recited, which is emphasized because only one media type need be displayed), wherein in each one of the specialized editing screens, a representation of the selected media object's content and items to be applied to the selected media object are displayed (column 18 lines 10-40) whereby each one of the specialized editing screens operates in a similar manner to ease use and operation of the hand-held image capture device and to facilitate creation of media presentations on the hand-held image capture device (column 19 lines 40-65 for example). The text and handwriting edited onto the captured check image may be considered as multimedia; but in the event that Norwood et al do not go into the details of creating the multimedia presentation per se, nevertheless Norwood et al do mention easily editing and merging media to create a final customized presentation. Furthermore, Haneda does create a multimedia presentation for easily editing and merging media (image data and text/media information) to create a final customized presentation (Detailed Descr. paragraphs 190, 272, 403). It would have been obvious to a person with ordinary skill in

the art to have the method in Norwood et al create a multimedia presentation per se, because it would be a convenient way to edit and merge media to create a final customized presentation.

6. Regarding claim 4, Norwood et al show providing at least one of the specialized editing screens with discrete cursor locations, which the user navigates among using a navigation control (Figures 12, 14, 17).

7. Regarding claim 5, Norwood et al show providing at least one of the specialized editing screens with real time preview of editing functions applied to the selected media object (Figures 12, 13, 14, 17).

8. Regarding claim 6, Norwood et al do not go into the details of displaying a plurality of thumbnail images on the display screen, wherein each thumbnail image represents one of the stored media objects; and providing an icon area on the display screen for displaying an indication of the media types associated with a selected media object, but do mention editing and merging media (image data and text/media information) to create a final customized presentation. Furthermore, Haneda does show displaying a plurality of thumbnail images on the display screen, wherein each thumbnail image represents one of the stored media objects; and providing an icon area on the display screen for displaying an indication of the media types associated with a selected media object, for editing and merging media to create a final customized

presentation (Summary paragraphs 23, 36, 62, 82, Detailed Descr. paragraphs 73, 76, 146, 151, 172, 194, 228).). It would have been obvious to a person with ordinary skill in the art to have this in Norwood et al, because it would be a convenient way to edit and merge media to create a final customized presentation.

9. Claims 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By bringing out the still and sequential image types and text, this brings out the invention to have multiple media types each with the specialized screens that facilitate together.

10. Claims 7-12 and 14-18 are allowable over the prior art of record. By bringing out the still and sequential image types and text in addition to the other features in the claims, this brings out the invention to have multiple media types each with the specialized screens that facilitate together.

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note though that in terms of the new rejection, claim 3 recites "one or more" and this may be interpreted merely as one media type, namely handwritten media, or even just text. This is further emphasized by "one or more screens" which again may only be one. Claim 2 incorporates the still and sequential images and the text, which in view of the claims and applicant's remarks

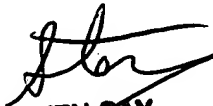
Art Unit: 2174

would thus bring out how the invention is in fact editing any combination of these types, with the specialized screens for each type facilitating together.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


STEVEN SAX
PRIMARY EXAMINER